IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.MC.No. 1943 of 2007()

CRIME NO.22/01 OF PERUVANTHANAM POLICE STATION,
L.P.NO.49/2005 OF J.F.C.M II, PEERMADE

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PETITIONER: ACCUSED

JOY, AGED 39 YEARS, SON OF VARGHESE,
PARAMTHOTTIL HOUSE, PANACKACHIRA KARA,
ERUMELI NORTH VILLAGE, KANJIRAPPALLI TALUK.

BY ADV. SRI.P.A.MOHAMMED SHAH
SRI.P.H.SHAJAHAN
SRI.B.KISHOR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. STATE OF KERALA REPRESENTED BY
CIRCLE INSPECTOR OF POLICE,
PEERMADE.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1943 of 2007

Dated this the 2nd day of July, 2007

O R D E R

Petitioner is accused No.7 in Crime No.22 of 2001 of Peruvanthanam Police Station. He faces allegations, inter alia, under Section 307 r/w 149 I.P.C. The petitioner was not available for trial. The committal proceedings were registered and some of the accused were committed to the Court of Session for trial. During the pendency of that proceedings before the learned Additional Sessions Judge (Adhoc)-I, Thodupuzha, the case against the accused persons was ordered to be withdrawn and by Annexure-B order, the case against all the co-accused were withdrawn and they were set at liberty by the Court. As the petitioner was not available for trial at that point of time, the case against him was split up and re-filed. The case was transferred to the list of Long Pending Cases and is pending as L.P.49 of 2005 before the J.F.C.M-III, Peerumedu. The petitioner had appeared before the learned Magistrate on 18.06.07 and he has been enlarged on bail, it is submitted.

2. The petitioner has come to this Court with the grievance that the benefit of the decision to withdraw the case has not been extended to him. The petitioner prays that the case against him may also be quashed as the entire case was intended to be withdrawn by the Prosecutor.

3. The learned Public Prosecutor was directed to take instructions. The learned Public Prosecutor submits that the State has no objection in the proceedings against the petitioner (7th accused) being quashed now as the State had wanted the case against him also to be withdrawn. In as much as further continuation of the proceedings against the petitioner (7th accused) alone is unnecessary and unjust, the State has no objection in the proceedings against the petitioner being quashed by invoking the jurisdiction under Section 482 Cr.P.C, submits the learned Public Prosecutor .

3. I am satisfied that in the light of the submissions of the learned Public Prosecutor, the request or the petitioner can be accepted.

4. In the result, this Crl.M.C is, allowed. The committal proceedings pending against the petitioner (the number is not furnished to the Court) which arises from Crime No.22 of 2001 of Peruvanthanam Police Station and in respect of which C.P.43 of 2004 was filed originally and was later split up and numbered as L.P.49 of 2005 before the J.F.C.M-II, Peerumedu is hereby quashed.

(R.BASANT, JUDGE)

rtr/-